

ESTTA Tracking number: **ESTTA1194405**

Filing date: **03/03/2022**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Ex parte appeal no.	90002764
Appellant	Jeanette Conrad-Ellis
Applied for mark	THE BLACK DIAMOND SERIES
Correspondence address	SHOKO NARUO THOMPSON COBURN LLP ONE US BANK PLAZA ST. LOUIS, MO 63101 UNITED STATES Primary email: ipdocket@thompsoncoburn.com Secondary email(s): snaruo@thompsoncoburn.com , knorris@thompsoncoburn.com 314-552-6077
Submission	APPELLANT'S SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB ORDER OF FEBRUARY 16, 2022
Attachments	90002764-Applicants_Supplemental_Notice.pdf(866477 bytes)
Filer's name	Shoko Naruo
Filer's email	ipdocket@thompsoncoburn.com , snaruo@thompsoncoburn.com , knorris@thompsoncoburn.com
Signature	/Shoko Naruo/
Date	03/03/2022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re application of: :
Jeanette Conrad-Ellis :
 :
Serial No.: 90002764 : Examining Attorney: Sanjeev K. Vohra
 :
Filed: June 15, 2020 : Law Office: 110
 :
Mark: THE BLACK DIAMOND SERIES :

**APPELLANT'S SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB ORDER OF
FEBRUARY 16, 2022**

Appellant¹ submits this Supplemental Notice that 1) Appellant and the Examining Attorney have thus far been unable to arrive at agreed upon dates for the oral hearing, and 2) that Appellant can attend the hearing by video conference upon a possible hearing date being set in the month of June which, as explained herein, has not yet been agreed to by the Examining Attorney.

Over several email and telephone exchanges² with the Examining Attorney, Appellant and Examining Attorney could not agree on dates for the hearing. Below is a summary of events detailing Appellant's efforts.

On February 18, 2022, Appellant sent the Examining Attorney an email offering April 5, 6, 7, 12, 13, 14 and May 17, 18, 19 as proposed hearing dates (see Appellant's email of February 18, 2022 in Exhibit 1). No response was received from the Examining Attorney.

¹ "Appellant" as used herein collectively includes (i) Appellant Jeanette Conrad-Ellis (the owner of the present application, aka "Owner") and (ii) Appellant's counsel. It was Appellant's counsel that communicated with the Examining Attorney.

² Attached herewith are Exhibits 1 and 2, which comprise printouts of email exchanges that summarize Appellant's attempts to arrive at mutually agreeable tentative hearing dates with the Examining Attorney (see relevant emails from February 18, 2022 onward).

On February 25, 2022, Appellant sent a follow-up email asking the Examining Attorney to provide his availability for the hearing, consistent with the suggested dates (see Appellant's email of February 25, 2022 in Exhibit 1). Later that day, the Examining Attorney told Appellant by phone that his availability would be provided soon.

On February 28, 2022, the Examining Attorney offered alternative dates of May 31, June 1, June 2 by email (see Examining Attorney's email of February 28, 2022 in Exhibit 1). On the same day, Appellant next left the Examining Attorney a voicemail indicating that these dates were outside of the fourteen week limit set by the Board.

On March 1, 2022, the Examining Attorney sent Appellant an email offering dates of May 24, 25, 26 (see Examining Attorney's email of March 1, 2022 in Exhibit 2). Later on March 1, Appellant, by voicemail and email, advised the Examining Attorney that May 24, 25, 26 also did not work due to scheduling conflicts, and again suggested Appellant's proposed dates of April 5, 6, 7, 12, 13, 14 and May 17, 18, 19 (see Appellant's email of March 1, 2022 in Exhibit 2).

On March 2, 2022, the Examining Attorney offered dates of May 10 and 12 by email (see Examining Attorney's email of March 2, 2022 in Exhibit 2). Appellant's counsel discussed with the Examining Attorney over the phone that May 10 and 12 also didn't work, owing to Jeanette Conrad-Ellis being unavailable.³ Appellant suggested that Examining Attorney pick among the initially proposed dates of April 5, 6, 7, 12, 13, 14 and May 17, 18, 19, but the Examining Attorney refused to commit to any of Appellant's dates, citing prior commitments/scheduling conflicts. With no agreement, Appellant informed the Examining Attorney that the response to the Order would likely list the dates proposed by each party, and explain that no agreement was

³ Jeanette Conrad-Ellis desires to attend the hearing.

reached for any of the dates in the period offered by the Board. Later in the day on March 2, Appellant sent the Examining Attorney an email summarizing Appellant's understanding of the parties' communications regarding the hearing date up to this point (see Appellant's email of March 2, 2022 in Exhibit 2).

In one final attempt to find an agreeable date with the Examining Attorney, Appellant's counsel double-checked with the Owner to see if her schedule would now permit her to attend a hearing on May 10th, but she remains unable to attend on this date.

Appellant looks forward to the Board's further instructions, but suggests that dates in June might work better for both parties.

Dated: March 3, 2022

Respectfully submitted,
/s/ Edward W. Gray, Jr.
Edward W. Gray, Jr.
Shoko Naruo
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
202-585-6967
314-552-6077
egray@thompsoncoburn.com
snaruo@thompsoncoburn.com
ipdocket@thompsoncoburn.com
Attorneys for Appellant Jeanette Conrad-Ellis

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPELLANT'S SUPPLEMENTAL NOTICE IN RESPONSE TO TTAB ORDER OF FEBRUARY 16, 2022 was sent via electronic mail on March 3, 2022 to the following:

Sanjeev K. Vohra
Trademark Examining Attorney
Law Office 110
United States Patent and Trademark Office
571-272-5885
sanjeev.vohra@uspto.gov

/s/ Edward W. Gray, Jr. _____
Edward W. Gray, Jr.
THOMPSON COBURN LLP
One US Bank Plaza
St. Louis, Missouri 63101
202-585-6967

EXHIBIT 1

Thomas, Bradley H.

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Monday, February 28, 2022 10:01 AM
To: Thomas, Bradley H.
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

RECEIVED FROM EXTERNAL SENDER - USE CAUTION

Mr. Thomas,

The only dates I can tentatively offer at this point is May 31, June 1, and June 2.

Thanks,

Sanjeev Vohra

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street | Madison East
5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Friday, February 25, 2022 10:23 AM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

Just following up on our email from last Friday (see below) regarding scheduling of the oral hearing. Please kindly reply back with your availability so that we can inform the Board of potential dates for the hearing. The best dates on our end are:

- April 5, 6, 7
- April 12, 13, 14
- May 17, 18, 19

Ideally we'd be able to agree on 3 non-consecutive dates from those listed above.

We'd appreciate your scheduling input as soon as possible, as we need to inform the Board of the proposed hearing dates by March 3, 2022. Thank you.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

From: Thomas, Bradley H.
Sent: Friday, February 18, 2022 5:39 PM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

As you may know, the Board has asked us to submit possible dates for the scheduling of the oral hearing for this application (see attachment, aka Doc. No. 21 in TTABVUE, mailed 2/16/22) (the "Notice"). In accordance with the Notice, we are reaching out to you regarding your availability for possible dates for the hearing. Provided below is a list of dates that work on our end - please reply back if you have any availability on:

- April 5, 6, 7
- April 12, 13, 14
- May 17, 18, 19

As per the Notice, 3 tentative *non-consecutive* dates (e.g., from those listed above) and times need to be provided to the Board. Please kindly provide us with your 3 dates and times (note: hearings are held between 10am to 3pm Eastern Time on Tuesdays, Wednesdays and Thursdays – accordingly, all of the dates listed above are Tuesdays, Wednesdays and Thursdays). Of course if *none* of these dates work on your end, please let us know.

Lastly, as our response to the Notice is due by March 3, 2022, we'd appreciate receiving your response as soon as possible, and by no later than the end of next week, as we may need to further discuss this in order to arrive at the 3 tentative dates for the Board. Thank you.

Sincerely,
Bradley H. Thomas
bhthomas@thompsoncoburn.com
P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Friday, December 17, 2021 9:50 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

RECEIVED FROM EXTERNAL SENDER - USE CAUTION
--

Mr. Thomas,

Thanks for the email. I'll reply to the Board's communication as soon as possible.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street
| Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email:
sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Wednesday, December 15, 2021 8:28 AM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Naruo, Shoko
<SNaruo@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

Please let us know if you would be willing to have another telephone conversation with us in view of the Board's 12/9 communication. We'd still be delighted to discuss matters in the hope of reaching mutual agreement. Happy holidays.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Thomas, Bradley H.
Sent: Monday, December 6, 2021 8:40 PM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Cc: Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Naruo, Shoko
<SNaruo@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

Please see the attached document (filed tonight).

Thanks,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

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From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Friday, December 3, 2021 8:00 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

Unfortunately I'm unable to consent to the entry of the additional evidence into the record, as evidenced by the denial of the request of reconsideration we discussed earlier.

Thanks for reaching out,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office |
600 Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885
| Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Tuesday, November 30, 2021 5:56 PM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,
Thanks again for the ongoing dialog in this pending application.

Given the uncertainty surrounding the status of the entry of the additional evidence into the record, we would like to ask if you would be willing to simply consent to the entry of the evidence into the record. In this regard, you may recall that the Board's 10/25/2021 communication indicated good cause was shown.

Otherwise, we intend to file another Motion asking the Board to clarify the status of the evidence, and requesting entry of the evidence into the record.

Please let us know where you stand on this issue. Feel free to reach out to us.

Sincerely,

Bradley H. Thomas

Associate

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

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One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

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From: Naruo, Shoko

Sent: Wednesday, November 24, 2021 12:00 PM

To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>

Cc: Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Norris, Kristie D.

<KNORRIS@thompsoncoburn.com>; Thomas, Bradley H.

<BHThomas@thompsoncoburn.com>

Subject: FW: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

I wanted to follow up on my voicemail I just left you. Please give me a call back when you are back in the office. My number is 314.552.6077.

Thank you,

Shoko

Shoko Naruo

snaruo@thompsoncoburn.com

P: 314 552 6077

F: 314 552 7000

M: 314.602.6077

Thompson Coburn LLP

488 Madison Avenue

New York, NY 10022

www.thompsoncoburn.com

From: Naruo, Shoko

Sent: Friday, November 19, 2021 2:28 PM

To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

Thank you for confirming. Have a great weekend.

Regards,

Shoko

Shoko Naruo
snaruo@thompsoncoburn.com
P: 314 552 6077
F: 314 552 7000
M: 314.602.6077

Thompson Coburn LLP
488 Madison Avenue
New York, NY 10022
www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Friday, November 19, 2021 2:27 PM
To: Naruo, Shoko <SNaruo@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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--

Ms. Naruo,

Thank you for the email and the invitation, but please feel free to reach out to Ms. Matelski at your leisure.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office |
600 Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885
| Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Naruo, Shoko <SNaruo@thompsoncoburn.com>
Sent: Friday, November 19, 2021 2:12 PM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Norris, Kristie D. <KNORRIS@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

I just left you a voicemail. Please feel free to call me back at 314.552.6077. Otherwise, we look forward to your response to our email below. Thank you.

Shoko Naruo
snaruo@thompsoncoburn.com
P: 314 552 6077
F: 314 552 7000
M: 314.602.6077

Thompson Coburn LLP
488 Madison Avenue
New York, NY 10022
www.thompsoncoburn.com

From: Naruo, Shoko
Sent: Friday, November 19, 2021 11:34 AM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Cc: Norris, Kristie D. <KNORRIS@thompsoncoburn.com>; Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

We see that you have maintained the refusal and issued the attached. We will be contacting Ms. Amy Matelski (TTAB paralegal assigned to this matter) in order to clarify whether the additional evidence we submitted through our Request for Remand is now part of the record, and whether we have an opportunity to submit additional evidence. Please let me know if you would like to be included on the call.

Thank you,
Shoko

Shoko Naruo
snaruo@thompsoncoburn.com
P: 314 552 6077
F: 314 552 7000
M: 314.602.6077

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488 Madison Avenue
New York, NY 10022
www.thompsoncoburn.com

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EXHIBIT 2

Thomas, Bradley H.

From: Thomas, Bradley H.
Sent: Wednesday, March 2, 2022 5:18 PM
To: 'Vohra, Sanjeev'
Cc: Naruo, Shoko
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

This email summarizes our attempts to arrive at mutually agreeable tentative oral hearing dates with you for the above-referenced application.

On February 18, 2022, we sent you an email explaining the Board's Order mailed on February 16, 2022, and offering April 5, 6, 7, 12, 13, 14 and May 17, 18, 19 as proposed hearing dates.

On February 25, 2022, we sent you an email following up on our email of February 18, 2022. Later that day, you indicated over the phone that you would be replying back with dates from your end soon.

On February 28, 2022, you sent us an email offering May 31, June 1, June 2. We left you a voicemail indicating that we believed those dates to be non-compliant with the timeframe set forth in the Board's Order.

On March 1, 2022, you sent us an email offering May 24, 25, 26. Later in the day on March 1 we left you a voicemail and sent you an email indicating that May 24, 25, 26 did not work on our end, and clarifying that our proposed dates of April 5, 6, 7/April 12, 13, 14/May 17, 18, 19 offer flexibility since one date from each set of dates could be selected (e.g., April 5, April 12, May 17).

On March 2, you sent us an email offering May 10 and 12. We discussed with you over the phone that none of these dates work on our end (e.g., client unavailable), and indicated our desire to be able to agree to at least one date from among our proposed dates of April 5, 6, 7, 12, 13, 14 and May 17, 18, 19. You indicated that you were unable to commit to any of our dates at this time (e.g., due to prior commitments). We informed you that our response to the Board's Order would likely list the dates proposed by each party, and that no agreement was able to be reached.

We intend to submit copies of the emails referenced above as part of our response to the Board.

Please let us know if you disagree with anything above.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Sent: Wednesday, March 2, 2022 8:01 AM

To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Mr. Thomas,

Sorry to hear that May 24, 25, and 26 do not work on your end.

How about May 10 and 12.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street |
Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email:
sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Sent: Tuesday, March 1, 2022 1:33 PM

To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

Thank you for your email. As explained in my new voicemail (left today), the dates of May 24, 25 and 26 unfortunately do not work on our end.

I think this would be easier to discuss over the phone, so if you could, please give me a call at 314-552-6563. For example, I think there may be some confusion regarding our proposed dates of:

- April 5, 6, 7
- April 12, 13, 14
- May 17, 18, 19

The Board's Order say to **avoid** picking 3 consecutive dates. Thus, it would **not** be proper to select, for example, April 5, 6, 7. Rather, any 3 *non-consecutive* dates from the above listed date ranges would be proper, such as one date from each set (e.g., April 5, April 12, and May 17). I am hoping that this clarification provides increased flexibility on your end. I can explain further on the phone if needed.

Thanks,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Sent: Tuesday, March 1, 2022 8:00 AM

To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

I received your voicemail – Do these dates work: May 24, 25, 26?

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street
| Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email:
sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Sent: Friday, February 25, 2022 10:23 AM

To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

Just following up on our email from last Friday (see below) regarding scheduling of the oral hearing. Please kindly reply back with your availability so that we can inform the Board of potential dates for the hearing. The best dates on our end are:

- April 5, 6, 7
- April 12, 13, 14
- May 17, 18, 19

Ideally we'd be able to agree on 3 non-consecutive dates from those listed above.

We'd appreciate your scheduling input as soon as possible, as we need to inform the Board of the proposed hearing dates by March 3, 2022. Thank you.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Thomas, Bradley H.

Sent: Friday, February 18, 2022 5:39 PM

To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>

Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

As you may know, the Board has asked us to submit possible dates for the scheduling of the oral hearing for this application (see attachment, aka Doc. No. 21 in TTABVue, mailed 2/16/22) (the "Notice"). In accordance with the Notice, we are reaching out to you regarding your availability for possible dates for the hearing. Provided below is a list of dates that work on our end - please reply back if you have any availability on:

- April 5, 6, 7
- April 12, 13, 14
- May 17, 18, 19

As per the Notice, 3 tentative *non-consecutive* dates (e.g., from those listed above) and times need to be provided to the Board. Please kindly provide us with your 3 dates and times (note: hearings are held between 10am to 3pm Eastern Time on Tuesdays, Wednesdays and Thursdays – accordingly, all of the dates listed above are Tuesdays, Wednesdays and Thursdays). Of course if *none* of these dates work on your end, please let us know.

Lastly, as our response to the Notice is due by March 3, 2022, we'd appreciate receiving your response as soon as possible, and by no later than the end of next week, as we may need to further discuss this in order to arrive at the 3 tentative dates for the Board. Thank you.

Sincerely,

Bradley H. Thomas

bhthomas@thompsoncoburn.com

P: 314 552 6563

F: 314 552 7000

M: 314.602.6563

Thompson Coburn LLP

One US Bank Plaza

St. Louis, MO 63101

www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Sent: Friday, December 17, 2021 9:50 AM

To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

Thanks for the email. I'll reply to the Board's communication as soon as possible.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office |
600 Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885
| Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Wednesday, December 15, 2021 8:28 AM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Naruo, Shoko
<SNaruo@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND
SERIES

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Examiner Vohra,

Please let us know if you would be willing to have another telephone conversation with
us in view of the Board's 12/9 communication. We'd still be delighted to discuss matters
in the hope of reaching mutual agreement. Happy holidays.

Sincerely,
Bradley H. Thomas
bhthomas@thompsoncoburn.com
P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

Thompson Coburn LLP
One US Bank Plaza
St. Louis, MO 63101
www.thompsoncoburn.com

From: Thomas, Bradley H.
Sent: Monday, December 6, 2021 8:40 PM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Cc: Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Naruo, Shoko
<SNaruo@thompsoncoburn.com>; Norris, Kristie D.
<KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK
DIAMOND SERIES

Examiner Vohra,
Please see the attached document (filed tonight).

Thanks,
Bradley H. Thomas
bhthomas@thompsoncoburn.com
P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

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St. Louis, MO 63101
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From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Sent: Friday, December 3, 2021 8:00 AM
To: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Mr. Thomas,

Unfortunately I'm unable to consent to the entry of the additional evidence into the record, as evidenced by the denial of the request of reconsideration we discussed earlier.

Thanks for reaching out,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Sent: Tuesday, November 30, 2021 5:56 PM
To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>
Cc: Naruo, Shoko <SNaruo@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,
Thanks again for the ongoing dialog in this pending application.

Given the uncertainty surrounding the status of the entry of the additional evidence into the record, we would like to ask if you would be willing to simply consent to the entry of the evidence into the record. In this regard, you may recall that the Board's 10/25/2021 communication indicated good cause was shown.

Otherwise, we intend to file another Motion asking the Board to clarify the status of the evidence, and requesting entry of the evidence into the record.

Please let us know where you stand on this issue. Feel free to reach out to us.

Sincerely,
Bradley H. Thomas
Associate
bhthomas@thompsoncoburn.com
P: 314 552 6563
F: 314 552 7000
M: 314.602.6563

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From: Naruo, Shoko
Sent: Wednesday, November 24, 2021 12:00 PM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Cc: Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Norris, Kristie D. <KNORRIS@thompsoncoburn.com>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>
Subject: FW: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

I wanted to follow up on my voicemail I just left you. Please give me a call back when you are back in the office. My number is 314.552.6077.

Thank you,
Shoko

Shoko Naruo
snaruo@thompsoncoburn.com
P: 314 552 6077
F: 314 552 7000
M: 314.602.6077

Thompson Coburn LLP
488 Madison Avenue
New York, NY 10022
www.thompsoncoburn.com

From: Naruo, Shoko
Sent: Friday, November 19, 2021 2:28 PM
To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>
Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

Thank you for confirming. Have a great weekend.

Regards,
Shoko

Shoko Naruo

snaruo@thompsoncoburn.com

P: 314 552 6077

F: 314 552 7000

M: 314.602.6077

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488 Madison Avenue

New York, NY 10022

www.thompsoncoburn.com

From: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Sent: Friday, November 19, 2021 2:27 PM

To: Naruo, Shoko <SNaruo@thompsoncoburn.com>

Subject: RE: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Ms. Naruo,

Thank you for the email and the invitation, but please feel free to reach out to Ms. Matelski at your leisure.

Thanks,

Sanjeev

Sanjeev K. Vohra | Trademark Attorney | United States Patent and Trademark Office | 600 Dulany Street | Madison East 5th Floor | Alexandria, VA 22314 | Tel: 571.272.5885 | Fax: 571.273.5885 | email: sanjeev.vohra@uspto.gov

From: Naruo, Shoko <SNaruo@thompsoncoburn.com>

Sent: Friday, November 19, 2021 2:12 PM

To: Vohra, Sanjeev <Sanjeev.Vohra@USPTO.GOV>

Cc: Norris, Kristie D. <KNORRIS@thompsoncoburn.com>; Gray, Edward W. Jr. <EGray@thompsoncoburn.com>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Subject: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

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Examiner Vohra,

I just left you a voicemail. Please feel free to call me back at 314.552.6077. Otherwise, we look forward to your response to our email below. Thank you.

Shoko Naruo

snaruo@thompsoncoburn.com

P: 314 552 6077

F: 314 552 7000

M: 314.602.6077

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488 Madison Avenue

New York, NY 10022

www.thompsoncoburn.com

From: Naruo, Shoko

Sent: Friday, November 19, 2021 11:34 AM

To: 'Vohra, Sanjeev' <Sanjeev.Vohra@USPTO.GOV>

Cc: Norris, Kristie D. <KNORRIS@thompsoncoburn.com>; Gray, Edward W. Jr. <egray@thompsoncoburn.com>; Thomas, Bradley H. <BHThomas@thompsoncoburn.com>

Subject: U.S. Trademark Application Serial No. 90002764 - THE BLACK DIAMOND SERIES

Examiner Vohra,

We see that you have maintained the refusal and issued the attached. We will be contacting Ms. Amy Matelski (TTAB paralegal assigned to this matter) in order to clarify whether the additional evidence we submitted through our Request for Remand is now part of the record, and whether we have an opportunity to submit additional evidence. Please let me know if you would like to be included on the call.

Thank you,
Shoko

Shoko Naruo

snaruo@thompsoncoburn.com

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